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Statistically Speaking:
The Overrepresentation of Foster Youth in Sex Trafficking

By: Emily Selig

I. INTRODUCTION

An estimated 100,000 minors are trafficked for sex in the United States each year. The majority of these victims are either currently or were formerly housed in the foster care system. This alarming statistic can be largely attributed to the fact that traffickers prey upon vulnerable and marginalized groups of society, including LGBTQ youth, runaways, and homeless children. These victimized children are more susceptible to being lured into trafficking and often are reluctant to leave once they become involved with their abusers. Although awareness surrounding this issue is increasing, authorities still struggle to determine the actual number of foster care children recruited into sex trafficking and are forced to rely on estimates. In fact, it is expected that the actual figures are much higher than what is reported. There are many reasons for this lack of information. For example, children who are victims are sometimes unaware that they are victims. Another scenario is that they are too frightened to speak to authorities for fear that their abusers will retaliate against them. Even social norms that exist in at-risk communities are a contributing factor. This article will briefly discuss the statistics and data regarding foster youth who are commercially exploited for sex, and examine the various reasons why foster care children represent such a large proportion of the victims. Finally, this article will discuss the steps that are being taken on national, state, and local levels to combat this problem.

II. FOSTER CHILDREN AS VICTIMS

Various crimes against children fall under the umbrella of commercial sexual exploitation. This term generally encompasses sexual abuse committed against a child in exchange for some type of benefit. It also includes circumstances where the child independently exchanges sex for anything of necessity, which is known as "survival sex." Examples of these crimes include child prostitution, child pornography, sex tourism, and performing in strip clubs or massage parlors. The National Center for Missing and Exploited Children reported that, "1 in 6 of the 18,500 runaways reported to [the center] in 2016 were likely sex trafficking victims." Of that number, 86% of these victims were under the protection of foster care or social services. A number of states have conducted studies on the prevalence of sex trafficking among foster youth within their own borders. For example, the Los Angeles Probation Department reported that 60% of youths arrested for prostitution had been involved in foster care. The percentage is even higher for children who have had contact with the child welfare system. For instance, 86 out of 88 children that were identified as victims of sex trafficking in Connecticut had been involved with the child welfare system in the past. Thus, it is not surprising to learn that traffickers target group homes and foster care facilities in order to recruit new victims.

III. PIPELINE TO TRAFFICKING

The foster care system is frequently called a "pipeline to prostitution." Approximately a quarter of the almost 427,000 children in foster care are 14 years old or older. When a little over 18,000 youths age out of foster care at the age of 18 each year in the United States, they are

immediately exposed to a plethora of potential hazards. These hazards include lack of viable employment, incarceration, pregnancy, lower levels of education, and homelessness, thus increasing their vulnerability to sex traffickers.

In 2013, Ortiz Walker Pettigrew, who lived in foster care throughout her entire childhood, spoke on Capitol Hill about being a survivor of sex trafficking. She described a system where children are placed in the homes of foster parents whose primary interest is in receiving a monthly check from the government, which she referred to as the “nothing-but-a-paycheck” theory. Children placed in foster homes frequently encounter unfit foster parents who do not provide them with the necessary financial or emotional support, and, as a result, these children soon identify with being used solely for financial gain. Because they are already familiar with the feeling of being financially used by a foster parent, the foster child finds it all too easy to develop a relationship based on a similar dynamic with a trafficker. In addition, children in the foster system lack stability as they are uprooted to different households. Connecting with a pimp can therefore be alluring to minors who are seeking a consistent relationship. Once these children are groomed and made to feel indebted to their abuser, the relationship with the sex trafficker is cemented. All too frequently, the children describe their relationship with the trafficker as someone who cares for them like no one else ever has before.

Between February 2014 and June 2016, researchers from Loyola University New Orleans’s Modern Slavery Research Project (“MSRP”) were invited by Covenant House International and ten of their individual sites in the United States and Canada to conduct a study of sex trafficking of homeless youth ages seventeen to twenty-four in ten different cities. MSRP researchers interviewed 641 homeless and runaway youth who had sought services at Covenant House’s shelters. These youths were asked to voluntarily participate in a point-in-time study about work experience. As part of this study, the youths were interviewed using the Human Trafficking Interview and Assessment Measure to determine whether they had been subjected to sex trafficking. The interviews revealed that homelessness became prevalent after leaving foster care, and the youths reported that they felt vulnerable to the sex trade and sex trafficking as a result. Although they made up 21% of the sample, youths who had a history of involvement in the foster care system accounted for 29% of all sex trafficking victims, and 27% of all youth engaged in the sex trade. Another study on human trafficking conducted in 2016 by the University of Texas at Austin School of Social Work’s Institute on Domestic Violence and Sexual Assault found that, uniformly, some level of vulnerability in a child is a predicate to that child’s entry into the commercial sex trade. That vulnerability may be caused by any number of factors, but usually includes abuse or neglect, emotional insecurities, and manipulation by an adult, which are conditions all too often found in the foster care system.

IV. THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT AND OTHER LEGISLATION

In 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (“Act”), which set forth federal mandates for state agencies to address at-risk children and youth in the foster care system. Under this law, states are required to implement a “reasonable and prudent parenting standard,” giving foster parents the authority to make daily decisions affecting foster children in their care. Such authority encompasses addressing involvement in

extracurricular, enrichment, cultural, sporting or social activities. The Act also requires states to amend state licensing standards for foster family homes and for child care institutions providing foster care to permit the use of a reasonable and prudent parenting standard. Foster care contracts must designate an official to apply the standard, and caregivers are required to receive training on it. States must also provide regular, ongoing opportunities for youth in foster care to engage in developmentally appropriate activities. The goal of the reasonable and prudent parenting standard is to maintain the child's health, safety, and best interests so that the child develops the necessary skills to become an independent, productive adult once the child ages out of the foster care system. In addition, the Act requires that state agencies implement procedures to identify and keep records of children who are either at-risk or are victims of sex trafficking. State agencies are now required to report missing children to the National Center of Missing and Exploited Children as well as the FBI within 24 hours so that they are entered into the National Crime Information Center database.

In addition, many states have recently started passing safe harbor laws, which allow young trafficking survivors to be treated as victims of a crime rather than criminals. As of 2015, thirty-four states have passed some form of safe harbor legislation. Unfortunately, these laws are not consistent, and only some states provide immunity to all minors convicted of prostitution. Others only decriminalize victims under the age of fourteen or fifteen, or victims who are first time offenders. Some states do not offer immunity at all, but will dismiss charges upon the victim's completion of a diversion program. Law enforcement agencies have also taken steps to train police officers to identify the signs of a sex trafficking victim.

V. CONCLUSION

Although progress has been made in terms of accounting for victims of sex trafficking, there is still much more that needs to be done to combat this crime. Confronting this issue requires equipping the appropriate personnel with tools to identify victims, fostering communication between agencies, and offering the necessary treatment to victims to prevent them from returning to their abusers. Other steps that should be considered are raising the age for aging out of the foster care system to 21; providing funding for affordable housing for youths aging out of foster care; creating alternatives to detention that would result in specialized services for victims; creating comprehensive safe harbor protections that immunize minors from prosecution for engaging in sex acts, regardless of the use of force, fraud, or coercion; and requiring and funding specialized human trafficking training for law enforcement in every state and include training on appropriate interview techniques. Although foster children are disproportionately impacted by human trafficking, it is imperative that awareness of this issue increase among those who are not directly affected by it so that the necessary changes can be accomplished.

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